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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,253	04/26/2000	HENNING MAAB	PHD98.097	6706
24737	7590	06/07/2006	EXAMINER	
			JABR, FADEY S	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/530,253	MAAB ET AL.
	Examiner	Art Unit
	Fadey S. Jabr	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 March 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of Claims*

Claims **1 and 3** have been amended. Claims **5-9** have been added. Claims **1-9** remain pending and are again presented for examination.

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argues (with respect to claims 1 and 3) that Hertel does not disclose an information unit which is remote from the at least one data carrier for assigning one of a plurality of possible areas corresponding to said absolute position. Examiner notes that Hertel discloses a system that provides the GPS receiver with the spatial positions of any person, animal or tangible object associated with the GPS receiver (C. 2, lines 57-63). A plurality of possible areas is equivalent to the system providing the spatial position of any person, which is one of a plurality of possible areas that the system could provide the receiver. Also, the receiver provides the person associated with the receiver their space coordinates (C. 3, lines 50-56). Further, Hertel discloses a control logic (internal or external from the receiver) that processes the data stored in the database appropriate to the desired accountability of the entity associated with the GPS receiver (C. 2, lines 63-66). The data is received from the GPS system, where the data is the spatial position of the receiver.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertel, U.S. Patent No. 5,751,246.

As per **Claim 1**, Hertel discloses a locating system comprising:

- at least one data carrier located in a location defined by n absolute position (Col. 2, lines 57-59; Col. 3, lines 50-52; Col. 4, lines 5-6); and
- an information unit which remote from the at least one data carrier for assigning an area corresponding to said absolute position, determining area boundaries corresponding to the assigned area and transmitting the area boundaries to the at least one data carrier (Col. 2, lines 60-67; Col. 3, lines 1-6; Col. 4, lines 37-39);

wherein said at least one data carrier transmits its position to the information unit only in case of initialization and in case of movement of the at least one data carrier from the area and wherein a third party interrogates the information unit from the position of the at least one data carrier (Col. 5, lines 38-54).

Hertel fails to explicitly disclose assigning one of a plurality of possible areas corresponding to said absolute position. However, Hertel discloses a system that provides the GPS receiver with the spatial positions of any person, animal or tangible object associated with the GPS receiver

(C. 2, lines 57-63). Hertel also discloses the receiver provides the person associated with the receiver their space coordinates (C. 3, lines 50-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hertel and include providing the receiver with their spatial coordinates, which is one of a plurality of their possible locations, because it provides versatility to the system by providing the user of the receiver with a range of locations within a specific boundary.

As per Claim 2, Hertel further discloses a locating system wherein the at least one data carrier has a memory for storing the area boundaries and absolute data, and a comparator for comparing the position data with the area information when the boundaries corresponding to the area received by the at least one data carrier (Col. 2, lines 61-63; Col. 4, lines 10-11; Col. 5, lines 38-40).

As per Claim 3, Hertel discloses a method of locating an object provided with a data carrier located in an area, the method comprising:

- receiving position data by the data carrier from a position-determining system (Col. 3, lines 60-63);
- transmitting position data by the data carrier to an information unit (Col. 4, lines 4-48);
- assigning an area corresponding to the position data by the information unit (Col. 2, lines 60-67; Col. 3, lines 1-6; Col. 4, lines 50-55);

- determining area boundaries corresponding to the assigned area by the information unit (Col. 2, lines 60-67; Col. 3, lines 1-6);
- transmitting boundaries of the area to the data carrier (Col. 2, lines 60-67; Col. 3, lines 1-6);
- comparing a position of the data carrier with the boundaries of the area (Col. 5, lines 38-40);
- transmitting new position data to the information unit only in case of initialization and in case of a negative result of the comparison of the area boundaries transmitted by the information unit with the position of the data carrier (Col. 5, lines 38-54); and
- interrogating the information unit from a third party for the position of the data carrier (Col. 5, lines 43-51).

Hertel fails to explicitly disclose assigning one of a plurality of possible areas corresponding to the position data by the information unit. However, Hertel discloses a system that provides the GPS receiver with the spatial positions of any person, animal or tangible object associated with the GPS receiver (C. 2, lines 57-63). Hertel also discloses the receiver provides the person associated with the receiver their space coordinates (C. 3, lines 50-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hertel and include providing the receiver with their spatial coordinates, which is one of a plurality of their possible locations, because it provides versatility to the system by providing the user of the receiver with a range of locations within a specific boundary.

As per Claim 4, Hertel further discloses a method wherein the area in which the data carrier is located is stored in the information unit (Col. 4, lines 37-39).

As per Claim 6 and 9, Hertel fails to explicitly disclose wherein the area boundaries are transmitted in the form of data of a polygon. However, Hertel discloses providing the spatial position of any person, where the spatial position is measured in x, y, z, and t coordinates (C. 2, lines 57-61; C. 3, lines 50-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hertel and include providing the spatial position of a person in x, y, z and t coordinates, because it provides the user with a convenient form for outlining the spatial position of the person associated with the receiver.

As per Claim 7, Hertel discloses a method wherein the information unit provides the third party with the position data of the respective area (C. 3, line 38 – C. 6, line 5).

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertel, U.S. Patent No. 5,751,246 in view of O'Mahony, U.S. Patent No. 6,457,129 B2.

As per Claim 5 and 8, Hertel fails to explicitly disclose wherein the plurality of possible areas are stored in the information unit as electronic maps. However, Hertel discloses a navigation system which comprises moving map displays that aid driver navigation (C. 2, lines 43-49). Hertel also discloses transmitting to the stored GPS receiver generated location to the interrogator for display to the shopper where the desired item is located (C. 3, lines 12-15).

Further, Hertel discloses defining the space boundary of the permitted motion of the person or object (C. 3, lines 50-56).

Further, O'Mahony teaches systems with maps for the purpose of having an authorized area of use (C. 6, lines 23-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hertel and include electronic maps as taught by O'Mahony, because it provides added security for the system monitoring the receiver's location (C. 6, lines 60-64).

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the

specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr  
Examiner  
Art Unit 3639

FSJ

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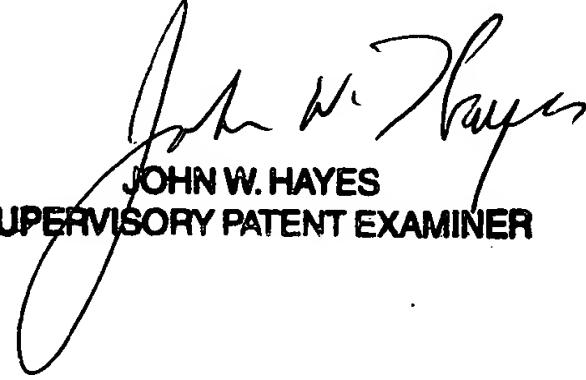
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**(571) 273-1516** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER